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8 **ALI H. KHAN**

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND VENUE**

12 UNITED STATES OF AMERICA,)	No. CR 03-40210-02 WDB
)	
13 Plaintiff,)	SENTENCING MEMORANDUM
)	
14 vs.)	
)	
15 ALI H. KHAN,)	Date: 09/08/08
)	
16 Defendant)	Time: 10:00 a.m.
)	

17
18 **INTRODUCTION**

19 Defendant ALI H. KHAN pled guilty to a count one Aiding and Abetting the Delivery of a
20 Fraudulent Document to the Secretary of the Treasury (26 U.S.C. § 7207). The written plea
21 agreement establishes an adjusted offense level of 17 and the defendant is in a criminal history
22 category 1. The resulting advisory guideline range is 24 to 30 months. As required, the
23 probation officer reviewed 18 U.S.C. § 3553(a) for guidance in determining an appropriate
24 sentence and recommends a total offense level of 11 and a criminal history category I, resulting
25 in an advisory guideline range of 8 to 14 months.

26 The Court must consider all of the factors outlined in 18 U.S.C. § 3553(a), not just the
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28

1 guidelines, in determining a sentence that is sufficient, but not greater than necessary to meet the
2 goals of sentencing. *United States vs. Booker*, 125 S.Ct. 738 (2005). The primary directive in 18
3 U.S.C. § 3553(a) is for sentencing courts to impose a sentence which is sufficient, but not greater
4 than necessary, to comply with the four objectives of sentencing: (1) to provide just punishment;
5 (2) to afford adequate deterrence to criminal conduct; (3) to protect the public from further
6 crimes of the defendant; (4) and to provide the defendant with effective rehabilitative treatment.

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11 **ARGUMENT**

12 **I.**

13 **THE PROBATION OFFICERS RECOMMENDATION OF 6 MONTHS OF HOME**
14 **CONFINEMENT SHOULD NOT BE FOLLOWED BY THE COURT IN LIGHT OF THE**
PLEA AGREEMENT.

15 The plea agreement entered into by the defendant pursuant to Rule 11(c)(1)©) of the
16 Federal Rules of Criminal Procedure states that the defendant shall be sentenced to 5 years of
17 probation, a fine as determined by the court, restitution as determined by the court, and a \$25.00
18 special assessment. There was no period of home confinement contemplated by the plea
19 agreement. Furthermore, the defendant has no prior record and has been totally cooperative with
20 the government and the court throughout these proceedings and the defendant has been
21 supervised pursuant to pretrial services supervision for more than six years while this case was
22 pending. In light of all these factors, the defendant should not be sentenced to any period of
23 home confinement.

CONCLUSION

The defendant thus respectfully requests that the Court impose the sentence as agreed upon in the plea agreement and sentence him to five years probation without any period of home confinement.

Dated: September 3, 2008

Respectfully submitted,

/s/
**_____
SETH P. CHAZIN
Attorney for Defendant
ALI H. KHAN**